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Affirmative action within the fire service:

The background on the law and its effect on the fire service and how fire department policies reflect the affirmative action legislation.

By

Steven Stecher

Thesis Approved:

Chair, Advisory Committee

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Affirmative action within the fire service:

The background on the law and its effect on the fire service and how fire department policies reflect the affirmative action legislation.

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Masters of Science
Eastern Kentucky University
Richmond, Kentucky
2015

Submitted to the Faculty of the Graduate School of
Eastern Kentucky University
in partial fulfillment of the requirements
for the degree of
MASTER OF SCIENCE
December, 2015

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ABSTRACT

Title: Affirmative action within the fire service:

The background on the law and its effect on the fire service and how fire department policies reflect the affirmative action legislation.

This research studied ten full time fire departments in the United States to develop a quantitative study showing demographic make-up of the fire department rosters and the citizens in which they serve. Affirmative action has been a polarizing issue since the day the Civil Rights Act of 1964 was signed. Many thoughts and feelings had been researched but no quantitative studies could be found. This study asked three main questions. Are the fire departments being studied meeting the number requirements set forth by the law in relation to equal representation of the community serviced by the department? Are the departments' policies and programs consistent with affirmative action? If they are deficient, in what ways are the various fire departments lacking? Finally, what are the issues that the fire chiefs identified in the interview that affect affirmative action policy and procedure in their departments? This research showed substantial deficiencies within the departments studied. It was important to address the actual numbers for a baseline on how fire departments have been unable to meet the Civil Rights Act of 1964 and still have a considerable amount of work to do to diversify the fire service. It was shown that concentrated recruitment of candidates was beneficial and that fire departments across the nation need to be more aware of hiring policies and procedures that work to diversify their departments. The fire chiefs generally stated that they felt diversity was good but there were many factors affecting their hiring policies and procedures that were addressed in this research.

DEDICATION

This thesis is dedicated to my wife for sticking this Thesis process out with me and for standing by me in support and encouragement the whole way, to our baby girl, Mira, who spurred me on to finish this, and to my parents whose support was integral to my further pursuit of higher education.

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CHAPTER I

INTRODUCTION

Background

Affirmative action has been a challenging issue throughout the country with regard to fire service hiring and retention. It is important that this issue be addressed for the fact that there are many misconceptions about how this legislation affects the racial make-up of the city, its people and the fire department that serves the city. A city must have confidence in its fire department to provide aid when needed; whether that is to save lives or to save property. The fire service, in turn, must also do its part to maintain the legislation set forth with regard to hiring of personnel. With this being said, this research is designed to determine and address some of the issues that are being dealt with related to affirmative action policies and procedures. These issues have come to light with several litigation issues in prominent United States cities.

In order to start, it must be clear as to what affirmative action is within the fire service. Affirmative action is the legislation passed, in order to gain balance within a specific profession, usually enforced more often in the public arena. The legislation is designed to protect those who have been discriminated against in the past, specifically minorities. Affirmative action legislation dates back to 1964. According to research cited in the book “Affirmative Action: Social Justice or Reverse Discrimination,” the Civil Rights Act of 1964 states,

No employer is required to “grant preferential treatment to any individual or group on account of any imbalance which may exist” between the number of employers in such groups and “the total number percentage of persons of such

race, color, religion, sex, or national origin in any community, State, section, or other area” (Beckwith & Jones. 1997, p. 9).

Affirmative action, at its root, is set up to mirror the demographics of the community within a certain profession, so that no one group experiences discrimination. One affected profession of this program is the fire service; the fire service has experienced issues and challenges in implementing a successful affirmative action program. Affirmative Action has been challenged within the fire service for several years due in part because citizens and fellow firefighters alike depend on the quality, strength, knowledge, and determination of all candidates in order to operate safely and effectively to save lives and property.

Ultimately, affirmative action is a law that was implemented to give every American citizen the opportunity to work in a profession of their choice. It challenges and forces certain professions to balance their workforce with regard to the demographic makeup of their city. This balance can be obtained by hiring specific candidates due to their race or gender. It can be done by providing hiring preference to underrepresented candidates, trying to recruit minority candidates, or by instituting programs to assist or further minority interest in the fire service. This is done in an attempt to balance, or mirror, the demographics of the community served. In short, fire departments cannot discriminate against any able bodied person who can pass the employee entrance exams set forth for potential candidates. These tests may include but are not limited to a physical exam, written exam, psychological exam and polygraph test. Therefore, for the sake of this research, a fire department cannot discriminate against any race or gender

and must try to obtain a balanced workforce in comparison to the race and gender demographics of the citizens they serve.

Statement of the Problem

Affirmative action has caused several cases of litigation. Fire department policies and procedures are at the forefront of this litigation. Under attack are fire departments that may not be performing satisfactorily in relation to affirmative action hiring policies for a variety of factors. Some of which may be attributed to the difficulty of getting minority candidates interested in the fire service. This may affect a city's ability to maintain the balance of the demographics while still hiring qualified individuals. Most importantly, though, the problem may be leadership's unwillingness to diversify their workforce in order to accurately represent the community they serve.

It is also important to address that affirmative action programs and policies are generally supported by liberals, more so than conservatives. "Liberals are more likely to support affirmative action policies than are conservatives (Sidanius, Pratto, & Bobo, 1996)." As this may be a problem, this research is taking a quantitative approach to eliminate potential biases in the review of the department's personnel records. Limiting the research direction to a quantitative study and review of policies and procedures is done because the overall goal of this research is not to determine support for affirmative action; it is to provide a background of the law, literature review, and the quantitative study of ten fire departments.

Background on the problem is critical; affirmative action claims have been made in terms of reverse discrimination against the majority. It is important to address these claims as well so that an overall view of how this legislation has been challenged

throughout the country. In a discrimination case brought against the City of New Haven, Connecticut where a promotional test was thrown out, a member states, ""The fire isn't going to discriminate against a person whether he's black, white or Hispanic", Connecticut firefighter Ben Vargas, 40, said. "It's going to treat that person the same way." But in the city of New Haven, Connecticut, Vargas and 19 white firefighters say that is where the equal treatment ends, and discrimination begins. Vargas who is Hispanic and the 19 white firefighters allege they were denied promotions because the city gave preferential treatment to black candidates (Crawford Greenburg & de Vogue, 2009). This case stands out because it was a reversal of discrimination which shows the difficulty fire departments and cities have in balancing the fine line of the workforce and maintain a fair process. As the results of the research presented in this thesis go on to show, many departments are lacking in having a balanced workforce from the beginning, and this leads to a further lack of balance throughout the entire department.

Another problem is whether or not the fire service is willing, or able, to match the quota that is set forth by the legislation. The "quota or quota system" means hiring candidates in order for the demographics of the city's fire department to mirror or attempt to match the citizens' demographic. The quota system is another term or frame of reference to this balancing of the employment of a public entity with the demographics of that entity they serve. It has been and can be seen in the past as the preferential hiring of certain candidates. This is done in an attempt to even out or "balance" public department employee's demographics with the citizens' demographics.

Purpose of the Study

The purpose of this study is to address whether or not affirmative action legislation is being followed by the fire departments included in the scope of this research. If the legislation cannot be followed then it may need to be scrutinized and reevaluated. If it is being followed then the departments should serve as an example to other departments that are facing litigation and scrutiny related to affirmative action. In order to address affirmative action compliance and awareness fire departments were evaluated in terms of their hiring policy and procedures, their personnel demographics, and the Fire Chiefs' perspectives on the program and their city's use of them when hiring.

Potential Significance

This research provides information on how the fire departments included in the context of this study are affected by affirmative action as well as how other departments in the fire service can benefit from those departments' strategies to maintain a balanced workforce. This research will show deficiencies or inability to cooperate with the law and the Civil Rights Act of 1964. It also shows that it is possible to abide by these laws and have a balanced work force. This research is significant in the fact that it is the study of departments' actual data, not a study on thoughts and feelings. It has produced real life data that shows how affirmative action has affected these ten fire departments. It addresses several issues that are speculated on in some of the literature reviewed and gives the fire service a real life estimates of how the fire service is doing in managing affirmative action.

Definition of Terms

Affirmative action – a set of proactive measures designed to eliminate existing and continuing discrimination, to remedy effects of past discrimination, and to create systems and procedures to prevent future discrimination, including preferential treatment to members of a particular race in areas such as college admissions and workplace advancement, in an attempt to create atmospheres of racial diversity and racial equality (Schumann, 2006, p18)

Protected Class – The groups protected from the employment discrimination by law.

These groups include men and women on the basis of sex; any group which shares a common race, religion, color, or national origin; people over 40; and people with physical or mental handicaps. Every U.S. citizen is a member of some protected class, and is entitled to the benefits of EEO law. However, the EEO laws were passed to correct a history of unfavorable treatment of women and minority group members (EEO Terminology).

Assumptions

Previous research done within this topic provided assumptions that are further addressed. The main assumption received from the previous research is that affirmative action may discriminate against those it was instituted to help.

It is an assumption that the data provided by the departments is relevant and contains everything needed. It is also assumed that it is all accurate and not tampered with in anyway. Along with the accuracy, it is assumed that the participants, including the chief of each department, are truthful in the process.

Finally, it is assumed that these departments' hiring processes and testing provides the hiring personnel, possibly the chief, with qualified candidates to hire.

Limitations

This research project could have been limited by previous research. Previous research could be seen as a limiting factor to the direction of this work. This issue is being combated by introducing several new sources, previously unexplored, as well as a more extensive background on the case law and litigation affecting this issue. It is important that this research identified the several areas and departments that have been affected by affirmative action on both sides of the issue. The background serves to explore the issue as it is faced in the modern day fire service.

The public fire service is also a limiting factor of this research. No other service style departments, whether public or private, was the focus of this research. The literature review will serve to connect affirmative action through police and public sector departments, as well as private sector jobs. This research does not however, limit the literature review to employment. College acceptance and affirmative action plans have led to several legal cases, some of which have been heard by the Supreme Court of the United States, and can be applied to other sectors of affirmative action policy.

These findings are limited to the ten fire departments that are studied. The findings compiled can only be applied to the departments studied. Due to the limitation of the study to these ten departments, no other departments can apply these findings directly to their department.

Organization of the Study

This research study is organized as structured in this section. A background of the research and the issues are examined and discussed. This is done through the introduction and literature review sections. The literature review is structured in such a way to help guide the research and give the necessary information for the study. The literature review provides background of the Civil Rights Act of 1964 as well as the litigation that has followed. Following this, the literature review addresses some of the cases that have affected the fire service. These cases were identified through an exploration of news articles, journal articles, and case law to support these findings when possible. Some of the news articles that are used may not have the case law to support them yet, but will help to show the present issues involving affirmative action. Previous research is then shown that can be cited to assist in proving the need for this research. After this, the main body of the literature review will be comprised of the research and implications of affirmative action as it affects our society and the fire service. This was done by showing the positives, negatives, detriments, myths, and possible changes that affirmative action may present. The literature review is a critical background as to why the study is important.

The next unit of the study is the research methodology section which presents how the research was done. Immediately following this section is the research findings, starting with the policy review of the departments. This part of the study will serve to determine the affirmative action policies and procedures of the ten departments being studied. This is critical to the study to determine if the departments had an affirmative

action plan in place, if their hiring programs mention this plan, and if hiring practices were carried out in accordance with the plan to balance the workforce.

The following section of the study is the demographic study and review of the departments. This is the most important and unique portions of the research. This is one of the few research works, in the over 40 years since affirmative action was put into place, which studies the demographic statistics compared to the departments' employee make-up in order to evaluate hiring equality in the fire service. It involved compiling and comparing the demographic information for the communities as well as the departments that serve those communities. A comparison of all ten departments' data was conducted. Their compiled data serves to represent whether or not these fire departments are meeting equality in the workforce standards as attempted by affirmative action legislation. In order to evaluate this research, a chi-square test was used to compile and compare the data. More information on this test and its ability to compare the data is discussed in the research section. This research shows a sample of how the fire service as a whole is doing in terms of equality in hiring and diversity in the workforce. Nine different states and ten different departments are represented to complete this portion of the research.

The chiefs' interviews are then discussed. Important information and themes are paired together and discussed with the other policy issues that arose while discussing the questions with the chiefs. Also, a discussion is included on how a chief and their department have attempted to balance the workforce. All other relevant information from the chiefs' interviews/surveys will be included in this section.

The final part of this study will be the discussion and implications of the research. It is important to note here that all the necessary approvals have been obtained. This

involves the Institutional Review Board (IRB) approval process and proposal submission to the thesis committee. The final project is also reviewed and defended in front of the thesis committee to ensure all requirements have been fulfilled.

CHAPTER II

REVIEW OF LITERATURE

Overview

A great deal of literature regarding affirmative action focuses on the controversial issues of affirmative action and how it has affected different races and classes of people. Few studies show whether or not affirmative action works. So it is important to address those that have been done in the past before getting into a few of the many controversial studies and research works. Law schools typically have stricter standards for entrance than some other programs. Some schools include standardized tests which may make it harder to get into these programs. It is important to note that the research study used seven law schools, two of which are well-known law schools. The University of Michigan which is public and Harvard University that is private were these schools and surprisingly the answers collected from the survey were similar. "Nine out of 10 students reported that diversity had had a "positive" impact on their educational experience. Students said they believed that, in a racially diverse environment, they learned more in class as well as during informal discussions with other students outside of class--that they gained a much broader perspective on a variety of educational and personal matters" (Orfield, 1999). Along with this, a majority of the students polled said that they felt that diverse classes were superior to single-race classes (Orfield, 1999).

It is important to identify research that addresses the fact of how discrimination leads to an imbalance in wealth and ability and how affirmative action addresses this in a positive manner. The fact that for the most part people that come from more able and wealthy families will in turn be more wealthy and able than those with less. This means

that if the country does not take care of the wrongs of the past and do something about the past discrimination those with less may never have a fair opportunity to advance in society. If everyone had a fair opportunity at equality, our government, country and economy would run more efficient because everyone would have an opportunity to support themselves and their families. Providing a fair opportunity for all people is important in the fire service as well. If the fire service went to a fully colorblind system of hiring we may never fix the past discrimination (Wickelgren, 2005).

Affirmative action in the fire service has been a controversial program since the day it was instituted. Many departments throughout the United States have suffered from injunctions, court cases, and demands for change. Since the civil rights act, several cases have been compiled. Three bias cases coupled into one involve the Cleveland Fire Department. Taylor (1982) presents a consent decree that was approved by the Federal court to allow promotion of African American and Hispanic firefighters over higher scoring white Americans. This decree followed a lawsuit by the Vanguard, which was a group of minority firefighters in Cleveland attempting to bring to fruition the lack of balance in the fire department. “As of 1982, blacks held fewer than 5 percent of the fire department's supervisory jobs and 14 percent of all jobs, in a city 47 percent black” (Taylor, 1982, p. A.28). The Cleveland Fire Fighters Union appealed the decree. These issues stem from the Civil Rights Act of 1964 and the programs that followed. It has led to several law suits and discrimination cases that are still prevalent today. It is important to evaluate how this program is operating and some of the downfalls and success that have come from this legislative program. It is important to design the program before you begin discussing its evaluation.

Affirmative action was not always referred to as such; it was initially termed Equal Employment Opportunity. The foundation for this type of legislation was initiated by President John F. Kennedy. In Executive order 10,925 President Kennedy created the President's Committee on Equal Employment Opportunity as stated below, which then became law through the Civil Rights Act where the term affirmative action began being used. "On March 6, 1961, when President Kennedy created the President's Committee on Equal Employment Opportunity and directed its members to "consider and recommend additional affirmative steps" to eliminate racial discrimination in government employment." (Eubanks, 2009, para. 7) This executive order was designed to end discrimination in government contracts. The order set out to provide criteria for the government to limit the contractors it used in government work in order to end discrimination. This was a big step for the word "affirmative action" which was actually coined by Hobart Taylor, Jr. (Schumann, 2006, p. 87). Taylor was involved in the revision of President Kennedy's above executive order 10,925 after the President announced the order's release. He struggled in determining the word that would be used to refer to the action of righting the wrongs of the past, he decided on affirmative action and today it is still commonly referred to by these words.

Following the executive order by President Kennedy was the most important ruling for affirmative action and the end of discrimination in hiring. "Title VI of the Civil Rights Act (of 1964), which was later amended by the Equal Employment Opportunity Act of 1972, prohibited discrimination of all kinds based upon race, color, religion, or national origin and applied to private employers as well as any institution or agency receiving federal funds, including all public and private educational institutions"

(Schumann, 2006, p. 89). The Civil Rights Act of 1964 has been the most influential law/guideline for affirmative action for the past 40 years. Signed by President Johnson, this law began the process of trying to garner equal opportunity for the above classes. Sex was added to the list of classes by Executive Order 11,246 (Schumann, 2006) & (Clegg, 2009). As Schumann (2006) discusses, these two executive orders were directly focused on employment, making them crucial to this research. Executive Order 11,246 begins to lay a foundation for “specific regulations, guidelines and enforcement tools to affirmative action in employment” (Schumann, 2006, p. 90). This is important because there are cases that will refer back to these orders and how they are interpreted by the courts and a few of these are referenced by Clegg. Before reviewing these, a final Executive Order that builds the foundation to examine the case law is Executive Order 11,375. This order is important because it relates to the policy guidelines and what government entity is responsible for the enforcement. This order places the responsibility into the hands “of the Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Department of Labor. Later, the Office of Civil Rights, under the Department of Health, Education, and Welfare, was charged with the enforcement responsibilities for Executive Order 11,246” (Schumann, 2006, p. 90).

Clegg begins to address the constitutional scrutiny that is necessary in applying preferential treatment to government contracts. Clegg refers to more recent decisions than Schumann (2006) addresses; however, it will be important to revisit the cases that Schumann addresses as background for the Clegg cases. First, Clegg addresses the decision rendered in 1995 in “*Adarand Constructors, Inc. v. Peña*, which established that racial preferences in federal contracting would be subject to strict constitutional scrutiny,

just as state and local preferences are” (Clegg, 2009, p. 974). This decision was later used in rejecting a program to set aside contracts for the Department of Defense with regard to minority-owned businesses receiving a certain number of contracts. It is important to address this level of scrutiny in the modern era because the basis for this scrutiny is dated several years prior (Clegg, 2009).

Schumann (2006) addresses the three levels of scrutiny involved in the use of preferential treatment by the United States Supreme Court in government contracting and employment.

1. Strict scrutiny: (the law is unconstitutional unless it is the “least restrictive means” of serving a “compelling” government issue). This standard of review is used when the rights of a suspect class, such as race, are at issue. There must be substantial intrusion, or the action must interfere with fundamental rights, such as the right to privacy. To pass strict scrutiny review, the action taken against these rights must be narrowly tailored, and necessary to achieve permissible ends of a compelling interest (Schumann, 2006, p. 93).
2. Intermediate scrutiny: (generally, intermediate scrutiny is applied to classifications such as illegitimacy and sex). A law is unconstitutional unless it is “substantially related” to an “important” government interest. In past decisions “sex” generally has meant gender. Intermediate scrutiny is invoked when the rights of a “quasi-suspect class” are at issue. The classification must be substantially related to an important governmental objective. Thus, intermediate scrutiny is the middle ground between strict scrutiny and the

rational-basis test. (Craig v. Boren, referenced in Schumann, 2006)
(Schumann, 2006, p. 93).

3. Rational-basis test: (the law is constitutional so long as it is “reasonably related” to a “legitimate” government interest). The rational-basis test begins with the presumption of constitutionality, and it follows that so long as there is a rational basis for the action to achieve legitimate ends, the action stands. The rational-basis test asks only whether this is appropriate means to a legitimate end. (McCulloch v. Maryland, referenced in Schumann, 2006) (Schumann, 2006, p. 93)

It is important to address the level of scrutiny because it will be a basis for case law that is later addressed in this research. Schumann’s (2006) outline is crucial to understanding these levels and gives a guideline to how issues will be addressed throughout the history of this law.

Not only did the laws that followed reference employment and government contracts, it referenced education. Many of the relevant executive orders, law, and case law refer to higher education and the application process. It is important to address that in this research, due to the fact that higher education may provide advancement and hiring opportunities in the fire service. These cases will be further discussed later, but they deal with admissions and how a balance can be obtained within higher education.

Factors and Detriments of Affirmative Action

It is important to address some of the other factors and detriments to affirmative action with regards to employment. The major issue that is often scrutinized in case law and by the public is the actual hiring process. Much of the fire chief’s job has become

political. It is important that fire chiefs act within ethical and moral boundaries.

Affirmative action and the possibility of numerical goals in hiring minorities a fire chief's job becomes increasingly more strenuous. It becomes important that some of the detriments and factors of affirmative action are included to show some of the difficult decisions chiefs may face in hiring. Although this research evaluates a small sample of ten departments it is important to address the concerns and mistakes that have been previously researched to gain an overall view of what effects this legislation has on fire chiefs and firefighters alike.

A Bradley University article examines factors that determine the make-up of police and fire departments. Some of the factors addressed that affect the composition of employment are political support, minority hiring initiatives, and legal constraints integrated into a formula that could identify support for minority hiring. The variables the author addressed were ethnicity of the mayor, affirmative action policy, EEO complaints, EEO-black council members, suburban/independent/location of the city, minority populations, failure rates of recruits, and the percentage of public employees in a union. The results yielded from this study can be applied to the fire service states, "use of both AA (affirmative action) policy and numeric goals never increased minority firefighter employment and actually decreased Native American Employment" (O'Brien, 2003, p. 194). These results could be critical in determining whether or not the way affirmative action is approached is the correct way to gain an equal workforce. The way affirmative action is designed may hinder the hiring of minorities.

Preconceived notions towards affirmative action, which could become a detriment to affirmative action policy and hiring, are addressed as follows. Research gathered from

focus groups consisting of college students that did not represent any highly discriminated groups, may affect its use in this research; are reviewed. Although it may be important to apply it here because these preconceived notions may carry over to the fire department personnel who may be active in their departments hiring process. The researchers state in their discussion that, “The present research extends existing knowledge about how people perceive and respond to affirmative action, by examining whether different goal orientations can be elicited among members of the same group, which determine their responses to affirmative action” (Ellemers, Scheepers & Popa, 2010, p. 208). It also supports the fact that affirmative action fairness and support is often dependent on how it affects the person’s own group; which can be detrimental to perceptions of fairness and need within the hiring process.

Involved with undergraduate college student’s perceptions as well, Jackson and Garcia (2010) conducted research to evaluate those students’ thoughts on affirmative action in regards to beneficiary groups and programs that could be used to assist those in hiring processes. Their research shows that preconceived feelings toward a program can have an effect on the desired outcomes and benefits received through a program. The study states that there is resistance to affirmative action when it is focused on African Americans, but not women. It is important to note that the subjects for this study consisted of 95 students in Ontario, Canada, which could have some differing opinions to United States processes. One major conclusion that was made is that mentorship programs may be more beneficial than special group training because it shows an organizational problem rather than a special group being under qualified and needing the program. Their research can be useful to show ways in which we can garner support for

affirmative action in male or female dominated fields, but does not address some of the detrimental feelings toward affirmative action that are relevant to this research.

Next, addressing more research done of college students is a study that relates to the beliefs of affirmative action and policy difference with regard to tie-break and aptitude testing. It examines affirmative action policies based on the belief of fairness, merit and value of diversity. The study was conducted to determine the feelings that were held by the students researched. The researchers were attempting to disprove some of the formally addressed myths of affirmative action programs. It shows support for fairness and it eliminates unqualified candidates with regard to the affirmative action programs, garnering support in a tie-break situation of equally qualified individuals (Aberson & Haag, 2003).

The final college survey to be addressed is a study done by Izzett and LeGrow (1997). They studied 180 students in a psychology class, 90 men and 90 women. The study entailed giving a company's recruitment description, job advertisement, and the placement. The students, as seen before, gave more support to a tie-break procedure that would benefit 'basically qualifying candidate'. This 'basically qualifying candidate' would be one that meets the qualifications and is of a certain protected class (Izzett & LeGrow, 1997). Like several of the previous studies it is important to show that the issue of equally qualified candidates being compared has been addressed.

Clegg (2009) determined that Title VI of the 1964 Civil Rights Act, "prohibits "discrimination" on the basis of "race, color, or national origin" in "any program or activity receiving Federal financial assistance" (p. 983). Some legal basis can be addressed with Title VI in preferential treatment cases. This means public service/fire

service hiring must be done without discrimination; meaning that no preferential treatment can be given and that only equally qualified candidates could then be judged by race or gender. Clegg referenced a case involving the Xerox Company in which the judge ruled to eliminate a workplace balance initiative that gave race and grade level requirements for jobs. Clegg is a proponent of the idea of no preferential treatment and that all should be treated equally and that the most qualified and driven succeed and prevail. His research may be useful for some of the background legal information that is addressed with regard to the “unconstitutionality” of preferential hiring in regards to balancing or diversifying a work force.

Factors relating to affirmative action range from pre-employment to advancement and chief selection. It may be important to address some of the underlying issues and factors that may result in fewer candidates in a certain field. Bunzel (2001) addresses some of the concerns in having qualified candidates in higher education with regard to professors at universities. He addresses the fact that African American PhD’s may be pursuing careers outside of American Universities (p. 45). This could be true for a variety of reasons, including the differences in pay. With regard to the fire service, it is understood that a PhD will rarely be present in the public fire service hiring process but it can be applied to this process for comparison. African American candidates that pursue education beyond a high school diploma may pursue jobs outside of the public sector/fire service that will pay more money. Losing qualified candidates due to higher paying opportunities becomes an issue in trying to market to these candidates in order for them to be interested in the fire service. Ultimately, if there are fewer candidates from a certain group that apply, there are fewer to choose from in the field. Further complicating the

issue, data Bunzel references are that 1/3 of African American 18-19 years old graduate secondary school where ¾ of white students the same age graduate (Bunzel, 2001). This statistic was taken from 1986 but if the trend has not improved, we may have less qualified applicants available to enter the process. He also indicates that a national assessment of education progress stated that African American high school graduates attained reading levels only slightly above white 8th graders (Bunzel, p. 50, 2001). This could have a profound impact on the fire service hiring process. This factor may have a root cause in the education system but can begin to show where some discrimination in testing may begin. Current Census data for educational attainment is listed in the table below.

Table II.1

	Educational Attainment - 18 years and over -(Numbers in thousands. Civilian noninstitutionalized population /1.)															
	Total	None	1st - 4th grade	5th - 6th grade	7th - 8th grade	9th grade	10th grade	11th grade /2	High school graduate	Some college no degree	Associate's degree, occupational	Associate's degree, academic	Bachelor's degree	Master's degree	Professional degree	Doctoral degree
All Races	239,341	904	1,751	3,355	4,369	3,773	4,711	10,646	70,919	46,484	9,763	12,637	45,176	17,960	3,174	3,719
White Alone	189,239	613	1,402	2,770	3,523	3,062	3,487	7,574	55,997	36,226	8,068	10,076	36,392	14,449	2,622	2,977
Black Alone	29,527	101	140	267	482	430	809	2,200	9,993	6,639	1,170	1,550	3,835	1,529	179	206
Asian Alone	13,412	163	157	199	203	135	166	374	2,699	1,977	279	601	3,944	1,721	317	478

(Census.gov, 2014)

With the possibility of having a limited candidate group applying, there is the ever changing and diversification of people in the United States. Sutter (2011) via CNN shows some of the data and feelings on the growing number of children that identify as Hispanic. Sutter also addresses the issue that children are more open to diversity and better handle the different ethnic backgrounds of those people around them. It may be important to build from this to educate our future leaders in diversity and that everyone is equal, which may help to end the need for affirmative action policies. “For the first time in national history, the majority of young people in two states -- California and New

Mexico -- now identify as Hispanic, according to census data released this year” (Sutter, 2011).

The final factor that is to be considered with regard to affirmative action and the fire service hiring process is the threat of lawsuits within the personnel due to qualification or testing. It is important that public service officials become aware of past litigation that has been brought against fire departments. The New York Times (1986) addresses a 1983 lawsuit that took three years to decide. In 1980, the Vanguard, a group of minority employees, sued the Cleveland fire department leading to a decree. The decree was later appealed by the firefighters’ union leading to additional litigation. The decree, approved by a federal court, stated the city would promote black and Hispanic firefighters who scored lower on promotional exams (Taylor, 1986). Hiring policies can have an affect across the board in determining what candidates are chosen.

Cases

The final section of the literature review will serve to identify some of the cases that have been referenced in literature and in Westlaw Campus Research that affect the fire service hiring process. It is important to identify the legal ramifications that can result from improper hiring processes. Clegg (2009) covered a variety of topics, some of which identify court cases. He refers to the fact that preferential treatment is not supported for hiring and promotion as it is for university admissions. It is important then to look at a case he and Schumann (2006) reference. Grutter v. Bollinger was heard by the United States Supreme Court and states that the Equal Protection Clause was not violated. The case dealt with law school applications for the University of Michigan. A Caucasian filed suit claiming that the admissions process was discriminatory because it gave preferential

treatment to minorities (Clegg, 2009). This is important because the Supreme Court sided with the preferential treatment, although not always the case in hiring, it is allowed in university admissions.

As discussed previously, a case from Cleveland, Ohio deals with hiring and promotional issues in the fire service. The case does reference prior discrimination in Cleveland's public service hiring. A case referenced with Cleveland's Police Department hiring process was *Rutherford, et al. v. City of Cleveland*. In this case the police department hiring process did in fact discriminate with regard to race, sex and national origin. . A decree was established in 1970 in order to more appropriately balance the city's fire department which was only made up of 4% minority personnel in a city with a 40% minority population. The Vanguard filed suit with regard to similar unfair practices they saw in a 1980's eligibility list process. An eligibility list is designed to provide a group of candidates that can be hired by the department. This group is those candidates who meet the qualifications and can be chosen for hire (*Vanguards of Cleveland v. City of Cleveland*). A decree was established to correct the discrimination and it forced the fire department to do the following:

The Defendants and each of them, their agents, employees and all persons in action, concert or participation with them shall refrain from appointing any new firefighters to the Cleveland Fire Department until such time as there is presented to this Court, and approved by this Court:

1. An entrance examination which is demonstrably job-related in a manner consistent with EEOC Guidelines on Employment Selection Procedures;

2. A plan for the concentrated recruitment of minority candidates to take such examination, and all subsequent examinations;

3. A method whereby residents of the City of Cleveland shall be awarded bonus points for their residency on all future examinations in the same manner as is presently being done for the Cleveland Police Department;

*3 4. Revised screening procedures (background, psychological, psychiatric, etc.) such as are job-related, objective and non-discriminatory, to be utilized as part of all future entrance examinations for the Fire Department.

IT IS FURTHER ORDERED that following the development of, and approval by the Court of a new entrance examination, that all subsequent examinations shall be demonstrably job-related in a manner consistent with the EEOC Guidelines on Employment Selection Procedures (Cleveland Fire Fighters for Fair Hiring Practices v. City of Cleveland, 2009).

The decree was a result of the police case and discrimination found in *Headen v. City of Cleveland*. As it can be seen, in just one major city a hiring process is not as straight forward as one might think.

The referenced case *Cleveland Fire Fighters for Fair Hiring Practices v. City of Cleveland* had some of the background information from the other two cases as well. In this case the Plaintiffs were seeking an extension of the hiring decrees and balancing of the workforce that were set forth in *The Vanguard* case which referred back to the *Headen* and *Rutherford* case as well.

A case in New Haven, Connecticut drew similar attention. A promotional exam was arbitrarily thrown out due to the fact that only one minority passed it. The white

firefighters and Hispanic firefighter that passed the test filed suit and the Supreme Court ultimately ruled that it was impermissible to throw the results out. The test results were reinstated and used accordingly in the promotional process. The Supreme Court referred to Title VII violations with regard to the test results being thrown out (*Ricci v. DeStefano*, 2009).

Finally it is important to review a similar case heard by the Supreme Court involving Chicago, Illinois and their fire department hiring process. "Chicago used an unlawful cutoff score to determine which applicants it would hire as firefighters," said John Payton, director of the NAACP Legal Defense and Educational Fund. "There is no dispute that the cutoff score had an adverse impact on qualified black applicants and was not job-related" (Holland, 2010). The department, in a move to try and eliminate several candidates from a large pool chose the score of 89% and above as the acceptable passing score to use for candidate qualification. The original passing score was a 64%. The move eliminated several African American candidates making the eligibility list mostly white and only 11% black (Holland, 2010).

As can be drawn from the literature review several factors are included in hiring firefighters. It is important to keep this information in mind when reviewing the research and the results that are produced in this thesis. Many items discussed above come to the forefront in the chiefs' interviews following the policy and demographics review. It is important to take notice that the language of concentrated recruitment that came from the Cleveland Decree is the current strategy that is being utilized by the fire departments that have "non significant" findings in terms of hiring of white and non-white candidates, making their departments more diverse.

CHAPTER III

RESEARCH METHODOLOGY

Context of the Study

This work delves into how ten fire departments in America follow affirmative action legislations. The chiefs of these fire departments agreed to submit their department's employment information, hiring policies and procedures, and answered six interview questions. A program evaluation was utilized to evaluate the policies and procedures of the fire departments to address their similarities and differences. Program evaluation is, "that aspect of professional training aimed at helping you to integrate research and practice skills, using the former to enhance the latter" (Royse, Thyer and Padgett, p 1, 2010). The research identified their compliance by performing an outcome evaluation within the programs and the study of demographic information to determine if each department was following the legislation. The departmental hiring data and demographics were critical in determining the outcome of the research in terms of compliance in having a balanced workforce.

It was important to evaluate these specific programs because they affect everyone in a community protected by a given fire department. These evaluations were done in order to determine whether or not affirmative action programs are in place in these fire department. If the foundation in hiring policies and procedures is not there and there is not a balance, then the departments have not carried out their responsibility in assuring a more balance and diversified workforce in their cities. Demographics were studied by identifying the number of employees who are white and those who are non-white and comparing them with the demographic data of the protected district. The demographic

data were also broken down further to indicate the number that were White, Black, Asian, Pacific Islander, Native Hawaiian, American Indian, Alaskan Native (A,PI,NH, AI, AN), and those identifying as two or more races. Finally, the data was examined by gender. It is important to note, as listed above, that for this research the class of firefighters that will be categorized and compared to the demographic data will consist of race and gender only. It is important to limit this research to these two classes because these are the classes that this researcher has encountered as issues in the application process and affirmative action policy research within fire departments. Not only through personal experience but a brief search on Fire Department hiring and discrimination on Westlaw Next campus research shows these two classes as the major driver of litigation for discrimination in hiring. At the least the first ten search results found stated race as a class for discrimination. Two of those also stated gender as well, in these first ten results no other class is the focus of the case law presented. One of the cases, originating out of San Francisco, California, included a consent decree after a class action suit for racial and sexual discrimination was brought against the city. The District courts and then later The United States Court of Appeals affirmed the decision on the grounds of a history of discrimination dating back to the 1970s. In the opinion section of the Appeals decision national origin is listed along with gender and race (Davis v. City and County of San Francisco). Then, the policy and/or program of the fire departments studied will be reviewed extensively and then discussed further in the discussion and implications section of this work.

As previously stated, the demographic study was followed with an interview of each department's chief. The interview questionnaire consisted of 6 questions that were

developed using a panel of university professors who have been fire department administrators at some time in their career. The six questions used were:

1. What is the department's history regarding affirmative action?
2. What affirmative action programs are required for your department?
3. What voluntary affirmative action programs are common in paid departments?
4. Do you feel there is a strong reaction against affirmative action, and if so, why do you think this reaction exists?
5. Does the law require a particular procedure, such as use in a search committee, in an Affirmative Action Plan?
6. Does affirmative action work?

Selection of Participants

The participants of this study were limited to the ten (10) fire departments that chose to submit their information to the researcher. The fire departments that were targeted are full-time fire department serving a population of between 75,000-500,000 people. It was important that the departments provided full disclosure on all information requested. The department's chief or their designee also needed to be willing and able to work with the researcher in order to complete the research survey.

Research Question/Hypothesis

1. Are the fire departments being studied meeting the number requirements set forth by the law in relation to equal representation of the community serviced by the department?
2. Are the departments' policies and programs consistent with affirmative action? If they are deficient, in what ways are the various fire departments lacking?

3. What are the issues that the fire chiefs identified in the interview that affect affirmative action policy and procedure in their departments?

Data Collection

The data for this research was collected from the fire departments studied and the Census Bureau website. The information collected included the fire departments' hiring program, policies, and procedures; especially all those documents referring to or identifying an affirmative action policy in place. These were then reviewed by a program evaluation using an outcome evaluation to determine if their policies as well as employee demographics followed legislation for a diverse workforce.

Some departments chose to combine a mental aptitude test and physical test to determine if candidates are qualified for the position including Peoria, Decatur, and Champaign, Illinois, Louisville, Kentucky, and Nashville, Tennessee (all fire department hiring processes in which this researcher has actively participated). This part of the hiring process, within a city fire department, generally determines the applicant group that can be hired following further evaluation. These tests evaluate a candidate according to a knowledge based requirement of a high school diploma. It is to be general knowledge based, limiting the outside knowledge that could assist those who have not received any fire service training. An example of the structure of a test used can be found in Appendix A, the FireTEAM test, acquired during one testing process. Evaluating these programs, policies, and procedures stems from two law suits that were filed in relation to the tests, entry and promotional, that was considered to be discriminatory. One suit based in Chicago, Illinois which states that African Americans were discriminated against in an entry level test (Holland, 2010). The other suit based in New Haven, Connecticut in

which a promotional test was initially thrown out because there was not a proper balance in those who passed the test based on race (Ricci v. DeStefano, 2009). The test results were later reinstated, but show a need for evaluation within the fire service hiring process. Knowing what process each of the fire departments studied use will be critical to the success of using this research within the fire service.

The fire departments rosters were then collected in order to determine who was employed by the fire department in terms of race and gender. It was important that the data contain a list of the department's employees with their corresponding race, gender, hiring date, and current position in the fire department. The demographic data of the city protected was collected from the Census Bureau.

It was the goal of this research to determine if those selected for hiring classes accurately represent the demographic data as per the law and the policy/program set forth by the fire department studied. Ultimately, this program evaluation was done to see how affirmative action can affect the hiring process due to the amount of litigation the fire service has seen in relation to affirmative action policies. The motivation that drives this evaluation is that people are out of jobs, the economy has suffered recently, and maintaining this program could affect the quality, diversity, and services provided by firefighters in their given communities.

A chief interview was the final data collection process needed for this study. This phase of the research involved what the chief's thoughts were in relation to the policies of their department and what their feelings were on affirmative action, along with how these issues had affected their department. The questions were compiled after a conference with university professors who have been fire administrators in the past. The survey

produced information on the chiefs' thoughts, issues, and feelings related to affirmative action policy and their department.

Data Analysis

Affirmative action is not a new program, so a process evaluation is necessary to assist in the determination of what the program is, why it is important, and what the outcomes are of the program. The resource of this program is the Civil Rights Act of 1964. It is the standard that should be followed in order to maintain equal opportunity and affirmative action throughout the fire service. The activities of a successful program are presented in the review of the department's policies and procedures for hiring. It should be noted the processes may have an affirmative action program, active human resources involvement, or some other successful program element that is highlighted within the department. Some departments also had equal employment opportunity and affirmative action statements but were in fact deficient in their demographic makeup of the department's personnel.

The program, policy, and procedures of the fire departments were analyzed in comparison with the affirmative action information given in their programs and legislation that prohibits discrimination. This analysis served to determine whether or not the departments have an affirmative action plan or program that is working, and identified any discrepancies that may be found in the policy and program review section. It was important while setting up the research methodology that the research identified the discrepancies and developed research that highlights those programs that are successful and show those that are deficient. This was done to evaluate and compare the programs and policies in place for the fire service to use in the future.

Next, the side by side comparison of the demographic data and rosters was done to determine if the departments have equal representation among their employees. This analysis took place using the fire departments' rosters provided and the Census Bureau data. It is important to evaluate the entire department and determine if discrepancies were present. The goal of this research, however, is to show the current demographics and not delve into past hiring practices. From a purely quantitative standpoint, it was important to have accurate data in order to collectively determine the client outcomes and if affirmative action is working within these fire departments, in order to show a small snapshot of the fire service as a whole.

The research that was conducted for this study was a quantitative study of the personnel data of the department and the demographics of the community served by each department. A chi-square test was used. The personnel makeup of the departments was evaluated. This was done by collecting the list of employees from the department. This list contained each employee's identifier (either name or employee number), race, gender, date of hire, and position within the department. This was compiled in order to determine whether or not a quota has been met. This is extremely important, because if the departments did not have an active affirmative action program in place, the program that was evaluated must be consistent with federal law regarding employee hiring and equal opportunity. In order to properly utilize the data it must be compiled in percentages of race and gender and be compared side by side using a chi-square test. After determining the validity of the race and gender representation by reviewing the demographic information of both the fire department and the city being protected, a written report was generated and included below. This report determined the results and any conclusions

that were made. The comparison determined whether or not affirmative action is working in the fire departments studied, and what the successful departments do in order to balance their workforce.

The chief interviews were then analyzed to determine if there are any outside factors that the chiefs deal with in order to carry out their programs, policies, and procedures as defined in each department. It was analyzed in relation to any issues the chief can identify, as well as any positive issues or support the chiefs feel they have encountered.

Outcome Evaluation

A process evaluation was used to show if there are any issues within a given program or the results of the demographics study. This is included in the individual policy and programs review, as well as in the results and conclusion section. It was done by describing the programs, which are the fire department hiring policies and procedures being studied, with regard to affirmative action and equal employment. The program was monitored from several outcomes with regard to the research questions as mentioned above. The first is whether or not there is a program in place. Second, is the program being used properly within the hiring and retention of firefighters? Finally, an analysis of the process was done to determine what the causes and issues may be within the program. An outcome evaluation is critical for quality assurance if the fire service is not able to maintain the proper numbers set out by this legislation.

It is important for the fire service to be able to measure outcomes compared to the fire departments studied. It is important for the fire chief and his employees working for the department to know whether or not their program works, if it is effective, and if they

are getting the best and most diverse candidates possible. This evaluation made it necessary to show that the resources are being directed in the proper avenues. The research should provide the framework for other fire departments to use as a model to address their department's position within affirmative action and hiring a balanced workforce. In this research, a side by side data comparison was used to produce a demographic overview of the cities and their fire departments. This tool is accurate because the data is not subjective, it is real life data that can be conceptualized and utilized by those reviewing this work and the chiefs of the departments.

Although the background identifies some detriments and cases affecting fire departments in relation to affirmative action, the side by side data is used to show how the departments are doing with regard to the current legal standing of the law. It is the goal of this research to produce a useable product, and using the provided data will assist in accomplishing this goal. This instrument provides data that are political in nature. It is important to note that this study will not change the law, the law must still be followed and this may be the first step in determining whether or not affirmative action is working in the fire service to balance the workforce. The written report is necessary in order to provide conceptualized ideas about the program evaluation, the department's diversity, and the success of their affirmative action policy or program. This report includes the results and a conclusion which presents a summary of the findings, including the quota percentages and its representation with the population demographic as a whole. The main body of the report addresses how the communities were represented and how the departments achieve their hiring goals.

Subjectivities

As stated before, there were some things that must be addressed by this researcher prior to conducting the research. The first thing that was identified is the bias that may have surfaced within this research. This program can be charged with racial and gender issues that are quite prevalent. It is important that this researcher put subjectivities into writing so that awareness is identified within the research. The initial subjectivity that is faced when beginning the background research was that affirmative action was making it difficult for a white male to obtain a job in the fire service. This was what had been told to the researcher in the past. Background research was done, which enlightened this researcher and many of the people that continued to state this as true. This initial research brought on a second bias that is opposite of the first. This was that affirmative action is being used properly in some areas and not in other areas. Previous research had shown that affirmative action can begin to discriminate against all applicants depending on what departments are discussed. So for this research it was important to focus on the ten departments included in order to determine if affirmative action is working for the individual departments. Following this was an initial fear that time and resources necessary would be hard to obtain. This was not a problem as the chiefs that participated in the research were more than willing to provide their time and information needed in a timely manner.

CHAPTER IV

RESEARCH AND RESULTS

Policy Review

Following is an analysis of each fire department's policy and procedures related to affirmative action, preceded by the program evaluation for each department. The significance of their data is mentioned and will be further analyzed in the second portion of this chapter.

Fire Department A

Fire Department A has a non-significant finding in the chi-square test related to the white, non-white test of the population to fire department personnel. They do however, have significant findings in the multiple race and gender chi-square tests. As mentioned previously, these finding will be later discussed with the demographics section, but it is important to include them at this point for comparison to the hiring policies.

Their policies are driven by state requirements to create and use a Police and Fire Commission for hiring. In the state statute there is no mention of the board needing to use demographics to balance the work force. It makes no mention in the section requiring the commission to hire minorities or balancing the workforce. The department's chief states that the city has a Civil Rights Department, but that the commission is who determines hiring and the diversity in the hiring group. The commission is independent of the city but must follow state and federal statutes. With that being said, no mention of demographic hiring is mentioned under the fire commission's rules.

Fire Department B

Fire Department B has significant findings in all three of the chi-square tests. The chief stated they may be subject to a mandate as the United States Department of Justice (DOJ) investigated their hiring process, but at the time of the interview no ruling had been made or were in receipt of documents from the DOJ.

The hiring policy for this department makes no mention of hiring based on demographics, affirmative action or minority hiring. Although in the near future they may be mandated to do so, their current policies make no mention. Their examination process states that examinations must be culturally fair and job related. Firefighter recruitment is done by the cities division of human resources.

Fire Department C

This fire department has significant findings in all three of the chi-square tests. There was no equal opportunity or affirmative action statement in the documents received for this research. This city uses a fire civil service board to conduct hiring. Applicants must be a citizen of the United States and be 18 years of age or older. No questions regarding race, color, creed, religion, sex, sexual preference, disability, national origin, ancestry, marital status, income, or political opinions or affiliations of the applicant in the application or pre-offer examinations. Finally there was no mention of preference points for minorities and no statement of equal employment in the documentation submitted.

Fire Department D

This fire department had a non-significant finding on the white non-white break down. This meaning that they are following demographics in hiring. However, they did have significant findings in the multiple races and gender chi-square tests. This fire

department has equal employment opportunity and affirmative action statements in their policies and they are the closest department to equal representation of the multiple races breakdown and are compliant in the white, non-white test. This department has a rule that lists out their hiring Commission's policy on affirmative action and equal employment opportunities for city employee applicants. With this being said, the statements are listed verbatim below with any mention of the City name redacted to ensure confidentiality (FD D Policies and Procedures).

EEO Policy Statement

The Human Resources Department will carry out its responsibilities as provided in the City Charter without regard to race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability, age, marital status, or status with regard to public assistance. These responsibilities include, but are not limited to: recruitment, selection, promotion, demotion, transfer, layoff, leaves of absence, training, disciplinary actions and classification. Additionally, the Civil Service Commission and Human Resources Department will work cooperatively with the City agency charged with the primary responsibility of ensuring equal and non-discriminatory treatment of individuals including access to appropriate data and documents that are relevant to the investigation of a verified charge.

Affirmative Action Policy Statement

- a. The Human Resources Department will take affirmative steps to ensure that women, minorities, and persons with disabilities are adequately represented at all levels of City employment. The City is committed to seek out, address and remedy the effects of present and past discrimination

that may present barriers to the full employment of these persons. This will include cooperating in the establishment of reasonable goals and timetables for the hire and promotion of women, minorities, and persons with disabilities. In order to assist in the attainment of these citywide goals, the Human Resources Department will carry out these affirmative actions:

1. Intensively recruit protected class persons to ensure representation;
2. Provide test tutoring wherever appropriate and feasible;
3. Make every effort to ensure adequate representation of protected classes at each step of the way when the selection process consists of successive hurdles;
4. Provide for alternative methods of testing when applicants have a disability that limits them in the test but not on the job;
5. Provide for expanded certification procedures whenever appropriate so that departments will have sufficient opportunities to select protected class persons in those job classes where they are inadequately represented; and, (CSC 11/22/94)
6. Any other affirmative actions that are appropriate, legally allowable, and called for according to the City's Affirmative Action Management Program and/or current labor contracts.

Human resources with management and labor representatives recommend job-related minimum qualifications. These may include but be limited to: educational achievements,

licenses and certificates, medical and physical standards and work experience including time in a specific job classes in the City.

The Human resources department will also develop procedures to meet the following criteria for fair and objective examinations.

1. Management and labor representatives will be notified of job announcements in accordance with current contracts or otherwise in a timely manner
2. Eligible applicants will be given reasonable advanced notice of the time and place of tests. Eligible applicants will also be notified of any cancellation or postponement of tests.
3. Scoring of written tests may be completed before the identity of candidates is known, except that clerical errors when discovered may be corrected and tests re-scored.
4. Specific test items may be deleted or more than one correct answer approved when, in the judgment of subject matter experts or other appropriate experts, such changes in the scoring are appropriate. These changes must occur prior to revealing the identity of the candidates.
5. No question in any test shall relate to race, color, creed, religion, ancestry, national origin, sexual preference, disability, marital status, political affiliation, status with regard to public assistance, age, or veteran's status. If any applicant inadvertently or otherwise discloses any of the above characteristics, the examiners shall disregard such information.
6. Appropriate professional measurement techniques and procedures shall be objectively and equally applied to all candidates in rating the results of tests.

No specific fire department policies were given, only those from human resources, but it is important to note that this department does have a specific EEO and Affirmative Action policy statement and they are a department that is close to compliance.

Fire Department E

This department has significant findings in all three of the chi-square tests. This department submitted their application process documents only. There is no mention of specific affirmative action policies and procedures, however, the document states that the city is an equal opportunity employer and women and minorities are encouraged to apply. As is discussed in their survey, Fire Department E had been under an affirmative action plan in the 80's and 90's; since it has expired no plan has been in place. From their application document it shows that Fire Department E uses a Board of Fire and Police Commissioners to hire.

Fire Department F

This department has significant findings in all three of the chi-square tests. This department does not use a specific affirmative action hiring policy. The cities documents submitted contain firefighter recruitment and hiring procedures. Firefighter recruitment is conducted as follows and contains some language regarding diversity in candidates.

1. It is policy to recruit and hire the most qualified person for fire fighter positions, without regard to race, selected from a broad pool of applicants, and to comply with all provisions of State and Federal equal employment opportunity laws.

2. The city shall not deny employment to any prospective employee on the basis of his or her relationship to any employee, elected or appointed official, and it shall appoint the eligible candidate numerically listed on the eligibility list.
3. Announcements for all fire fighter employment opportunities shall continue to be posted in appropriate public buildings including, but not limited to, City Hall and all public buildings where applications for employment are distributed or collected.
4. All walk-in applicants shall continue to be apprised of all fire fighter employment opportunities (if any) existing at the time of application
5. All notices of employment opportunities for fire fighter positions shall continue to be published locally, as well as in the news.
6. State Employment commission shall remain a recruitment source, and notices of employment opportunities shall be forwarded to this source in all appropriate instances where it may provide potential applicants.
7. All notices of employment opportunities for fire fighters shall continue to be forwarded to various Firefighting training centers.
8. All announcements, notices and advertisements regarding firefighter employment opportunities shall, among other things, continue to state that the city is an equal opportunity employer, is seeking qualified applicants for employment without regard to race, color, religion, age, sex, national origin, political belief or activity, marital status or handicap.
9. The City shall maintain records regarding recruitment and hiring practices with respect to fire fighting positions, including all applications and test

results. Records reflecting the following information with regard to all applicants filing an application with the City shall be maintained if voluntarily supplied: name, race, mailing address, date of application, and if tested, the date (s) of test administration and test results, e.g., pass/fail, if not hired the reason for non-selection and the position to which assigned.

Fire Department G

This department has significant findings in all three of the chi-square tests. In the interview questionnaire the chief states that they were unsure how new state regulations would affect the further hiring of minorities in the future. The policies and procedures provide are the Rules of the civil service commission for the city and are as follows. The chief states that they have a city wide affirmative action plan in place through their Human Resources department. The commission documents include a statement of equal employment opportunity which states (Fire Department G Policies and Procedures),

“The civil service commission is committed to a policy of action affirmatively to attract and utilize the talents of all citizens. No civil service commission member or agent of the City shall discriminate against any employee or applicant for employment on the basis of sex, race, color, religious belief, national origin, political affiliation, marital status, age or disability unrelated to a person’s ability to perform the duties of a particular job or position, except where a bona fide occupational qualification exists.”

The chief then selects from a band of candidates and considers the following factors some of which allude to diversity,

1. The needs of the department
2. Prior employment experience of a candidate
3. Special skills and training such as but not limited to military experience and prior public safety training.
4. Prior experience in public safety employment
5. Formal community college and/or university education or credits received for coursework
6. Ability to interact with persons of diverse backgrounds
7. Increase racial, ethnic, and gender diversity and increase the number persons from different backgrounds and provide diversity within the age range of candidates.

Fire Department H

Fire Department H has significant findings in all three of the chi-square tests. This city has hired an Affirmative action officer, operating out of the Human Resources department, who has outlined a plan to diversify the workforces of the city to better match the demographics of the city. This officer is the one that was in contact for this study. He provided an Affirmative action planning process report and the civil service state code for review.

The affirmative action plan contains documentation of staff composition in terms of race and gender. It then goes into further depth of each race class and where they are deficient and how many employees in each race group are represented. Following this it establishes placement goals for the fire department. They also compare their data to

national average for race and gender employment by fire departments. Next, they provided the Civil Service State code; this document states specific requirements for cities to have a commission and then requires testing to meet standards. Statements relating to affirmative action include; a physical that is conducted after the conditional offer is extended to an applicant. Then the document states, “an applicant shall not be discriminated against on the basis or height, weight, sex, or race in determining physical or mental ability of the applicant.” “Reasonable rules relating to strength, agility, and general health of applicants shall be prescribed.”

Fire Department I

Fire Department I has significant findings in all three of the chi-square tests. This department uses recruitment in order to get more diversity in their applicants; although, the city’s human resources department controls the testing and hiring process which is done every two years. Their policies are fairly detailed in terms of equal employment opportunity and affirmative action languages. The general policies state the following (Fire Department I Policies and Procedures),

1. It is the policy of the city to promote and ensure equal opportunity for all persons (without regard to race, creed, color, marital status, national origin, religion, sex, age, sexual orientation, gender identity, disability, political affiliation or ancestry) employed or seeking employment, using city facilities or being serviced by the city. The policy of equality applies to every aspect of city employment practice and policy involving all activity areas.

2. The city assures non-discrimination in recruiting, hiring, training, placement, advancement, compensation, working conditions, demotion, layoff and termination.
3. It is, in addition, the policy of the city to assert leadership within the community and to put forth the maximum effort to achieve non-discriminatory, equal employment opportunities throughout the political jurisdiction of the city. Affirmative action will be taken to make known that equal employment opportunities are available on the basis of the merits of the individual and consistent with the city's goals and time tables for staffing in terms of female and minority representation on the city's work force: striving for a work force in each occupation which corresponds to the actual availability of qualified females and minorities for that job in their respective recruitment area.
4. Department heads and supervisors are responsible for implementation of this policy and the affirmative action program within their responsibility areas. All applicants and employees shall be expected to be qualified for the position they are seeking, and to indicate through performance, capability of at least acceptably performing assigned duties. Encouragement, information and appropriate on-the-job orientation and training are to be provided to all new employees to assist them in performing their job assignments effectively.
5. Job placements shall be made by the city manager as delegated to respective department heads. The appointing authorities (director and department heads) shall encourage, and take appropriate affirmative action from the time of job

requisition to hiring decision in all job positions to achieve and maintain EEO objectives and goals as rapidly as possible.

6. While EEO affirmative action shall be considered a top priority, neither shall it unreasonably infringe upon the goal of efficient, productive, continuing public service.

Following this the city code has a section on goals and timetables. This section refers to statistical data and workforce evaluation to develop affirmative action goals to be recommended by the director in consultation with the department heads and reviewed by personnel advisory board, and adopted by the city manager as an administrative policy. Annual documentation is required and disciplinary actions can be taken against those who do not operate in good faith to achieve the goals. The city will make sure that all employees and future employees are aware of the program.

Recruitment is integral to their program. This section lists out in detail how they will go about recruiting. This section starts off with the following statement, “EEO affirmative action will consist of active recruitment of female, disadvantaged, underemployed, and/or minority candidates for positions within the city at all levels.” It then goes on to discuss active recruitment criteria including first considering filling all vacancies with underrepresented candidates, identifying agencies and programs that provide education or employment to underrepresented candidates. They will also make every effort to contact prospective applicants and provide notification through a variety of agencies. All vacancies not being filled by a current city employee will be publicly advertised with the statement, “The City of ... is a merit, affirmative action, equal opportunity employer: Male/Female.” The director will also advertise in publications

with a broad circulation to reach a large number of underrepresented candidates. State and local community action agencies will be in contact from the director to encourage referral of applicants for positions. Employees are encouraged to refer underrepresented candidates. The city will aggressively recruit underrepresented employees and the director will continually review the employment situation in order to determine if the program is effective and meeting criteria. Statistics will be maintained to evaluate candidates, applicants and hires in minority classes. They will ensure qualifications for employment are fully job-related. Minority and female employees qualifications will be reviewed regularly to ensure qualified and interested personnel are considered for promotion and upgrading. Underrepresented trainees and summer part-time employees will be used as needs and expenditures allow.

The next section addresses training and that underrepresented employees will be encouraged to increase their skills, training and educations. The city will seek to have these personnel further these on a regular basis. A general provisions section follows this stating that collective bargaining agreements must be in accordance with the affirmative action EEO policy. Also, the director will review job categories where few underrepresented employees are employed and develop efforts to vigorously recruit qualified individuals, discuss with personnel the EEO policy the city is trying to utilize and to evaluate qualifications of the lower echelon of underrepresented to employees for potential movement within a job area. Then it discusses placement, promotion, and transfer activities being monitored to ensure reasonable, fair and equitable consideration has been given to these employees. Subcontractors, vendors and suppliers will be made aware of the city's EEO policy and lastly the director will compile quarterly statistics in

terms of effectiveness of the EEO affirmative action program. Finally, the human resources department will handle and resolve all complaints of discrimination.

Fire Department J

Fire Department J has significant findings in all three of the chi-square tests. The chief had stated that they follow Title VI federal guidelines for hiring. The drawback they have had is getting qualified candidates to show interest in the fire service from underrepresented classes. The selection process states “all new or vacant positions will be filled by the selection of only fully qualified applicants, regardless of race, color, gender, religion, national origin, age or disability, who meet the job related criteria of the job description. The policy then goes into how the job is advertised and how applicants are forwarded to the departments by different organizations through the human resources department. There policies did have an Equal Opportunity Employment statement stating,

The City of ... is an Equal opportunity Employer. We recruit, select, train, and promote only fully-qualified persons without regard to race, color, gender, religion, national origin, age, or disability. Likewise, such matters as pay, benefits, transfers, layoffs, terminations, training, education, or other programs will be administered equally to all employees in keeping with equal opportunity guidelines.

The City will not discriminate on the basis of national origin in recruitment hiring, or termination. However, we will not employ a person who is or becomes an unauthorized alien. Upon hire, all new employees must provide suitable identification and complete the Form I-9, Employment Eligibility Verification Form.

Demographics Study Results

Chi-Square Test Method

A chi-square test was used to determine if the differences in race were statistically significant. Two separate chi-square tests were performed for each fire department with regards to race. The first iteration tests for differences in the white/non-white races. This is significant because most people see hiring as a white versus minority issue. Without this first iteration you would not see the two departments that have made strides towards diversity. In the test with more groups, not one fire department meets the test qualification. Chi-Square tests are typically more accurate with more than two testing groups. Therefore, a second iteration of the test was performed to analyze differences in race to a more refined level. This test mirrors United States Census data groups for race. It is expected in several cases that the first iteration will prove to be statistically insignificant while the second iteration will prove statistically significant due to the number of categories in which data can be classified. Results of this analysis are summarized in Table IV.1 with accompanying calculations found in Appendix B

Table IV.1: Race Chi Square Testing

	Test 1	Test 2
FD A	Not Significant	Significant
FD B	Significant	Significant
FD C	Significant	Significant
FD D	Not Significant	Significant
FD E	Significant	Significant
FD F	Significant	Significant
FD G	Significant	Significant
FD H	Significant	Significant
FD I	Significant	Significant
FD J	Significant	Significant

*Test 1 - test with 1 degree of freedom.

**Test 2 - test with 3 degrees of freedom.

Chi square testing was also performed on gender aspects of each of the fire departments. Due to the nature of gender reporting and classification (male/female), there can only be two reporting categories with no further refinement. Results of this analysis are summarized in Table IV.2 with accompanying calculations found in Appendix B

Table IV.2: Gender Chi Square Testing

FD A	Significant
FD B	Significant
FD C	Significant
FD D	Significant
FD E	Significant
FD F	Significant
FD G	Significant
FD H	Significant
FD I	Significant
FD J	Significant

Chiefs Interview Review

Question 1, What is the departments history regarding affirmative action?

Conclusion of Question 1

As far as strict affirmative action program history in place the breakdown is as follows. One fire department has no affirmative action policy in place. Four used to have programs in place that took precedence in hiring but no longer have these policies or programs in place. One fire department may have a mandate coming from the federal government and the final four have affirmative action policies in place. One of the fire departments that used to have one in place now has a department wide policy of diversity that will be spoken about in great detail in their policy section. They are one of the two department that have equal representation in terms of race and they use a diversity strategy that is carried out by all members of the fire departments to get more minorities interested and informed on the Fire service.

Question 2, What affirmative action programs are required for your department?

Conclusion of question 2

In terms of currently required programs again four of the department's states have no required programs. One department stated one is coming. One has a required plan in place. Two say they follow the federal government law and the final two state a city required plan. It is important to differentiate between history and present; as the first two questions have, because as it can be seen there is a subtle change between the two. We have two departments that stated they have affirmative action history and now state they follow the law set by the government. By this, they are saying they follow the civil rights

act and title VI legislation. It could be assumed that the four that say no requirements also fall under the category of yes a program is required by law. Unless these departments are investigated by the DOJ they will not have a plan in place, if a lawsuit is brought upon the department then they may fall under the required portion at some point. As we will see in the next section, it may be seen that all programs state their cities and fire departments are equal opportunity employers meaning they state this policy in terms of what the law set out for public service hiring.

Question 3, What voluntary affirmative action programs are common in paid departments?

Conclusion of question 3

For the third question we see a similar grouping as in the others. We have one chief that knows of one department's policy in a different state in which the department voluntarily entered into an affirmative action policy following litigation of a candidate exam. We have four chiefs that state they know of or are involved in recruitment processes that are voluntary. Four chiefs say they do not know of any voluntary programs and one chief that had previous experience with a voluntary program. This final chiefs knowledge is of a program that involved the city "inserting" a minority into a group of 3 if no minority was in that group. The program was a 2 for 1 hiring policy that worked to balance the workforce. This question was used to gauge the experience or knowledge that a chief had with affirmative action. It was important to see if the chiefs had experience with other policies or had extensive knowledge in the subject outside of their own departments. Outside of litigation or departments that have seen litigation it seems that

very little knowledge is passed on about programs that are working among fire departments. It seems as though this could be an area for better communication and change, to provide for a more balance fire service.

Question 4, Do you feel there is a strong reaction against affirmative action, and if so, why do you think this reaction exists?

Conclusion of question 4

This question was asked to see where we are as a fire service 40 years after the civil rights act. Is there negative reactions to affirmative action and why do these reactions exist. Breaking down the answers showed that four fire chiefs state there is a negative reaction to affirmative action. Two chiefs stating that the term affirmative action drives the negative reaction not actually the process diversifying the workforce. The other two state that there is a reaction due in part because the testing standards may be eased and that more qualified individuals will be bypassed by less qualified individuals. One chief thinks there is a reaction to affirmative action but not necessarily negative. Four fire chiefs think there is not a negative reaction to affirmative action and one declined to answer. It is important to evaluate the reaction to affirmative action because if we can educate members on the importance of diversity, which affirmative action is trying to accomplish, it may garner less of a negative reaction and more of a positive reaction. As will be seen further, a department utilizing the word diversity has done the best job in equal representation of fire department personnel and the communities demographics rather than using the term affirmative action.

Question 5, Does the law require a particular procedure, such as use of a search committee, in an affirmative action plan?

Conclusion of question 5

This question did not yield many results. Six fire chiefs stated that there were no particular procedures laid out by the law for affirmative action plan. Two declined to answer the question. One stated there were state laws requiring how testing was to be performed in an affirmative action plan. Finally, one chief stated that the Federal Title VI requirements were the procedure for the law. This may have been due to poor wording or lack of information. This question yielded little results. One chief state no law requiring a particular procedure, but went into a discussion of what their plan of diversification used to further minority hiring. This will be discussed in more detail further on in this document.

Question 6, Does affirmative action work?

Conclusion of Question 6

This question was developed open ended to allow the chief to discuss their feelings on affirmative action through their experiences in knowledge and by far this question delivered the most responses. These responses came in in differing points of view due to the nature of the open-endedness. Fire department A starts off by saying that a diverse work force is the best thing for a community. This chief states that there are several advantages to having a diverse workforce. Chief states that having a diverse group will help meet the needs of a diverse community whether it be a woman paramedic being more helpful in certain situation where a particular religion would bar a man from

assisting a female patient in need to a smaller stature person being able to operate more effectively in a confined space.

Fire department B states that if all sides are educated on the process it will work. Chief states that if state and federal mandates are given to the department and the reason is not well stated it creates division, for example a federal mandate saying without reason you have to hire 50% minority on the next list. If reasoning and education is given more firefighters will be receptive to it and in turn if it is implemented correctly and given the proper amount of time (affirmative action) can work. If it is forced there will be backlash saying less qualified people are being hired.

Fire department C states that they do not use a dual hiring list anymore referencing past state law requiring two lists, a white list and a minority list. Chief states at this time it is difficult to maintain diversity because their state requires them to have two lists one being for veterans and one being for non-veterans, with the veterans list needing to be completely exhausted before the non-veteran list becomes effective. It is a benefit to them when the list contains many veterans that are minority but that is not a guarantee and can make it difficult to fill gaps in department's diversity. In the past list, it did in fact give them a bigger minority pool to choose from and they were able to hire 3 or 4 minority candidates out of 16. All 16 were veterans. This is unique because of the ten departments studied this was the only fire department that had to abide by a veterans list system.

Fire department D declined to answer this question.

Fire department E states that what does work is getting more minority candidates interested in the fire service at a young age. The chief says that hopefully this would

result in more minority candidates taking the entry level tests in order to be hired. Fire department J also had a similar response to this question. Chief says that it makes it fair for everyone but it has not worked for their department due to the fact it is difficult to recruit good, qualified candidates that are interested in the fire service. Fire department F requires candidates to possess FF I, FF II, and paramedic certification to be apply and therefore be hired. Chief does say that if applied right it creates a workplace that is reflective of the community but it is difficult to get minority candidates due to these requirements.

Fire department G states they are hesitant to answer this question at this time, not knowing the new content of their hiring program well enough. This following state regulation changes to entry level testing that requires the written score to be based on the median scores and a formula being used following the scoring of the tests to calculate the passing score.

Fire department H says that affirmative action absolutely works. The fire chief states that we become a better service the more that we can meet the needs of the community. Language and culture barriers are brought down and allow members of the community to communicate more effectively with the fire department. If others share cultures then we all can learn and when we learn more about culture we better serve that person in the community. This all builds trust, when community sees itself in the fire department they can trust the fire department and better interact with the fire department.

Fire department I states that equal representation is the goal. The more diverse your department is the more opportunity you have to operate in the public with better response. You want to be seen as members of the public and diversity helps to achieve

that. This question would have sparked a great debate if all ten chiefs were at a round table, unfortunately it was a survey question and getting these candid answers helps further the conversation on affirmative action and how it is being received in today's fire service.

Fire department J states that they think affirmative action makes fire service hiring fair for everyone. It hasn't worked, in their department, due to the fact it is difficult to recruit good, qualified candidates that are interested in the fire service. This survey question finishes up this section and helps to transition this work into a conclusion. These questions along with the program evaluation and the data collected will help evaluate the fire service hiring practices in terms of affirmative action and how the fire service can learn from this study.

CHAPTER V

DISCUSSION AND IMPLICATION

This section will serve to sum up the research questions and identify what has been learned from doing this numbers based evaluation of affirmative action.

Affirmative action has been a polarizing subject since its debut in 1964; many changes have been made over time as well as a large amount of litigation. Through this all affirmative action's main goal remains to balance the workforce in order to provide diversity. In the fire service diversity is important because firefighters serve the public and interact with them on a daily basis matching the diversity of the community will assist in community relations. This statement was echoed by several of the chief's interviewed.

This research asked three major questions. The first research question asked; are the fire departments being studied meeting the number requirements set forth by the law in relation to equal representation of the community serviced by that department. It is shown through the data collection that these requirements are not being met. No department studied met equal representation in the multi-race or the gender tests. It shows that the fire service has a long way to go in balancing out their employee make-up. This research only identified two departments that had balanced representation in terms of the white, non-white test iteration. This is a significant finding for this research, it shows how poorly diversified the fire service can be. Also significant is what was learned from these two departments. This information is critical to the implications of this study and how fire departments go forward in hiring minority candidates

In line with this question, it has proven difficult for these departments, some of which say they are trying to balance their employee make-up with the demographics. New strategies need to be developed in order to assist these departments in the future. This being important because this study begins to highlight that over the past 40 years little has been done to strictly meet the Civil Rights Act of 1964. A study comparing 1963-64 data to this data could show any positive strides that have been made in diversifying. It cannot be assumed that progress hasn't been made, it is likely that a majority of fire departments were mostly white; and it is shown in this research that two fire departments have made strides in at least the white, non-white iteration of the chi-square test.

To build on these strides towards diversity these departments should become models of ways in which the fire service can advance. Fire department D uses concentrated recruitment; this will be discussed in more detail further in this section. This mentioned here since as it was a strategy placed upon Cleveland in the Decree levied against them; this was done in order to help them balance their workforce and to become more diverse. This could be the strategy that other departments need to build on in developing their hiring programs to include affirmative action policies that may work to balance their respective workforces. Looking back to the literature review, the O'Brien article addressed the fact that numeric goals never increased minority firefighter employment.

Following this the next research question was; are the department's policies and programs consistent with affirmative action? If they are deficient, in what ways are the various fire departments lacking? This study showed that in terms of programs working,

no department was equally represented in terms of demographics and employee make-up. For policies and programs, this study shows that some departments still do not have plans in place while others have blanket statements on affirmative action and equal employment opportunity employer that carry little action behind them and the actual hiring of minority candidates. Having these statements may attempt to show compliance; however, as some department chief's stated, they may still be facing litigation in the near future due to their hiring policies, programs and practices that they are using.

It was shown from this research that in terms of actual affirmative action programs seven of the fire departments chiefs stated they had no specific program in place other than state and federal requirements. Two of the others use city required programs controlled by the human resources department and the third department representative states that the city has goals and timetables within the city code of hiring, however, the hiring is carried out by the fire department. Some of the departments use recruitment to get more qualified candidates to take the test but does not constitute a hiring program being in place. Summing up the policy review from previous sections, fire department A has a state requirement and a city civil rights department. Fire departments B, C and J have no policies in terms of demographic, minority, or affirmative action hiring. Fire departments D and F state they actively recruit as mentioned but have no affirmative action programs. Fire department E has an Equal Employment Opportunity statement listed. Fire department G and H have city programs that are run by the human resources department. Fire department I uses recruitment to diversify and has Equal Employment Opportunity and affirmative action statements included that sets goals and time tables to achieve a balanced workforce.

This summary of fire department programs and policies shows the complexity of this issue. There is little to no uniformity in hiring practices amongst these ten fire departments. It is important that some of the positives be drawn from these programs and fire departments utilizing these documents could build off these positives to develop or institute a program for their own department. This lack of uniformity is significant and could be addressed in future research in an attempt to develop a more uniform process for the fire service and public hiring.

The final research question asked, what are the issues that the fire chiefs identified in the interview that affect affirmative action policy and procedure in their fire departments? Several issues were brought up some not surprisingly, while others were enlightening. The first major issue identified is the number of departments who had faced or are facing possible litigation from their hiring processes. Almost half of the departments had faced litigation since 1964, leading to a decree or an affirmative action plan for hiring. The fifth department stated that they were under an affirmative action plan in the 1980's and 90's. Another department stated that they are currently being investigated by the Department of Justice with the possibility of coming under a mandate. The seventh department states that their City and the fire department have put an emphasis on affirmative action compliance with a strategy towards diversification. The eighth department actively recruits to diversify their workforce. The final two departments state federal and state compliance only.

Another issue faced is the reaction to affirmative action policy and programs. One department states that negative reactions can be seen if the test is seen as "watered down" or made easier to accommodate minority candidates. Two chiefs state issues with

the argument of wanting an equal playing field for all and that affirmative action policy hires less qualified individuals. This is something to be discussed further as an implication. What truly is the qualification for a good firefighter candidate? A future goal to build off of this research should be to develop a set of qualifications and new candidate's standards for passing. This would provide more uniformity in the hiring process, therefore allowing a more streamlined process to attract candidates from various backgrounds. This may help to curb the idea that affirmative action hires less qualified minority individuals over possibly "overqualified" majority candidates. To clarify, overqualified is stated here as a reference point. If minimum qualifications were established any one with further qualifications would be considered over or having more qualifications then needed, whether that be fire service specific training or further education then necessary for a candidate being hired. There is also the issue of people thinking that diversity has been achieved when it clearly has not been. Several department chiefs noted the difficulty in obtaining qualified applicants and a lack of interest in the minority community for fire department jobs. This again could be solved with the proper framework for hiring and then educating the public in terms of the application, hiring and testing processes.

The state government can also cause issues for affirmative action hiring and the diversification of hiring. One department faces new state laws that have made the testing process more difficult, which has already affected minority hiring. Another chief must hire off a civil service list of veterans before he can hire off of a non-veteran list, in some years limiting their ability to hire non-veteran minorities.

There are positive issues that were brought up along with these; Chiefs for the most part made it a point to state that diversity is good. A diverse workforce is better able to positively interact with the community and assist those in need. Diversifying was also seen as a better terminology for one chief over affirmative action, they stated that affirmative action is seen as forced, however, diversification seen as positive and successful. At least one chief stated that an appropriate recruitment strategy would be to get minorities interested in the fire service at a younger age to begin to develop interest in the fire service. Finally, recruitment strategies were seen as a positive to obtaining minority interest. Concentrated recruitment, as previously discussed, can be a successful tool for diversity and affirmative action programs, policies and procedures.

Several implications of this research can be drawn from the above information. One of the first implications that should be addressed is that some fire departments state that they are having trouble receiving qualified minority candidates through their application and testing processes. As seen from fire department D which is the closest to equal representation, a concentrated recruitment process is necessary. For them it is important that the firefighters be seen in the community, they have the resources to educate all citizens on the application and hiring process. They have literature, business cards, poster and the general information of the process to answer questions when they are out in the public. This is important because the Cleveland Decree that was discussed earlier dealt with concentrated recruiting, a conscientious effort to recruit under represented classes. This was done in an attempt to balance the Cleveland workforce, but it is seen working in this research with one department successfully recruiting minority candidates and at least one other attempting to use this strategy to gain a more balanced

workforce. Remember as the article “Affirmative action works” in the literature review stated 9 out of 10 students that participated in the study believe a racially diverse environment was beneficial and had a positive impact on their learning.

With this being said, it is an important implication that other fire departments become aware of this success, in order to attract minority candidates. This may mean a more concentrated effort for them in recruiting and it may need to be developed to include recruiting and educating minority students still in high school and college. As one department stated, they felt they needed to address minority candidates at a younger age. Developing a strategy to educate these young people about the fire service may prove to be successful in getting qualified candidates to test for their fire departments.

Along with this, it is important to determine what qualifications, attributes, education or previous training a qualified candidate needs. This research shows ten different fire departments basically operating their hiring processes in ten different ways. The fire service as a whole has begun to streamline the physical ability test to the CPAT (Candidate Physical Ability Test). This may need to be done in determining qualifications and written tests as well, because as pointed out in the literature review and through the chiefs, diversification is not seen as a bad thing, it is usually well received and necessary to most individuals. Firefighters are generally trained after they are hired. This is not the rule, but in most cases it is what is done. If hiring processes place an emphasis on prior training qualified minority candidates who were not educated or informed on this may not be considered for hire. One fire department showcased this with certifications necessary for hire; along with some departments requiring Advanced Emergency Medical Service Paramedic licenses, is the fire service limiting our ability

across the board to hire minorities? An implication of this is that the fire service may be its own worst enemy in terms of giving themselves the ability to hire qualified candidates.

The final implication is better communication and information sharing. It was enlightening that some chiefs were unaware of affirmative action programs or issues other fire departments faced or had addressed. Fire chiefs should be some of the most well versed personnel on their fire departments and the hiring process should be a key role for the fire chief to know and understand. The chief should be well versed in hiring practices that are successful and those that are not. The fire chief should be on the front lines attempting to diversify their fire departments, without the proper information they may not see the great benefits that come with diversification. The fire chief may not even see it as a problem, hopefully this research proves that people are not opposed to diversification. However, the numbers in the chi-square test show that the fire service has a great deal of work ahead to diversify the fire service and this may require a more concentrated recruitment effort at all levels.

Affirmative action, as discussed has been a challenging issue throughout the country with regard to fire service hiring and retention. It was important to approach this research in terms of a numbers based study along with the survey and policy reviews in order to see quantitatively how the fire service is doing in hiring a balanced workforce. This research was designed to determine and address some of the issues that are being dealt with related to affirmative action policies and procedures. After much litigation this issue is still prevalent today. Fire department and fire chiefs have a structure to look at in terms of how other fire departments have been approaching affirmative action hiring

policies and procedures. Although, no fire department is compliant, some strides have been made in a few departments and it is important that the issue is addressed to further diversify the fire service.

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APPENDIX A:
FireTEAM Practice Test Document

FireTEAM Practice Test

For more detailed information and 30+ practice items with discussion, visit the FireTEAM website at www.fireteamtest.com. Metropolitan Government cannot assist you with questions related to the practice test. If you have issues with the practice test, please DO NOT call Human Resources or the Fire Department, you have to contact Ergometrics technical support from the testing website.

Taking the practice test is not required by The Metropolitan Government of Nashville. Metro Nashville therefore accepts no responsibility for any issues that may arise with taking the practice test.

We will be using the FireTEAM testing system developed by ERGOmetrics. FireTEAM Testing System was developed to measure specific aptitudes important to the occupation of firefighter and emergency response personnel. There are four components to FireTEAM testing system: a human interaction test, a mechanical aptitude test, a math test and a reading ability test. All test items were developed through rigorous research with many panels of experienced firefighting and fire service professionals. You don't need experience to answer the questions in this test. Common sense is always your best guide.

Character is important to us. You will be required to sign a security and confidentiality agreement stating that you have not and will not violate test security through coaching or exchange of specific information about test items. Breach of this agreement is subject to

prosecution under federal copyright law and would be viewed as an unacceptable integrity failure for an employee or prospective employee.

The answer sheet is machine scored so mark only one answer for each question and fill in the circle completely. If you mark more than one answer, you will get the question wrong. If you don't know the answer to a question, the best strategy is to guess because you may get it right anyway and you will definitely get it wrong if you don't answer.

Four Components of FireTEAM Testing System

FireTEAM Video-Based Human Relations Test

28 Scenarios, 76 Questions, 57 Minutes

Part I

FireTEAM Video-Based Human Relations Test focuses on teamwork and human relations skills and was specifically designed for firefighters. You will watch a video segment, then choose the BEST course of action in a multiple choice format. Once you have chosen the BEST possible course of action, you will be asked to identify the WORST possible course of action. This test is presented on video and the items play without stopping. You will have 10 seconds to answer each question.

You don't need experience to answer these questions. FireTEAM Video-Based Human Relations Test is not intended to be a test in any way of your knowledge of policy or

technical aspects of the job. Any such information that may be needed to answer a question is provided in the test. For instance, in the video you will hear firefighters instructing business owners about safety requirements. You are not expected to know anything other than what is stated. Base your answers only on information given in the test and your own common sense.

FireTEAM Video-Based Human Relations Test is not meant as training or as an example of how firefighters should handle their jobs. In some cases, you will see firefighters who make poor choices about what to do.

Also, none of the questions or answers are meant to be tricky. Although all the answers may not be equal in terms of common sense, they would all be choices available to the firefighter. In no case is an answer wrong because the choice would not be possible. For instance, a firefighter can make decisions based on circumstances about how to work with members of the public in enforcing safety regulations.

Part II

In addition to answering the questions on Part I of FireTEAM Video-Based Human Relations Test, you will be instructed to observe the behaviors of the individual firefighters portrayed. You will have the opportunity to observe behavior on multiple occasions for many of the firefighters. Part II of FireTEAM Video-Based Human

Relations Test consists of questions about these firefighters and their behaviors. Part II is on the same video and immediately follows Part I.

FireTEAM Animated Mechanical Aptitude Test

36 Questions, 43 Minutes

FireTEAM Animated Mechanical Aptitude Test is a multiple-choice mechanical aptitude test presented on video. You will see a detailed introduction to an animated brick making factory and then be asked questions about the factory. Most of the questions are about basic mechanical objects such as valves and principles such as water pressure. You will also asked to answer trouble shooting type questions and observe system operations for problems. All of the questions can be answered based on based on common sense and observation of how everyday objects work. FireTEAM Animated Mechanical Aptitude Test is also timed. You will see the introduction and each question only once. Again, after each question is presented, you will have a brief period to mark the answer you think is best before the next question is presented.

FireTEAM Reading Test

25-27 Questions, 15 Minutes

This test is designed specifically for firefighters, a job requiring on-going study of difficult and technical materials. This test is based on training material and you

will be required to choose a word that best fits in the blank. You are given 15 minutes to complete this test.

FireTEAM Math Test

31 Questions, 25 Minutes

This math test is designed specifically for firefighters. The questions are presented on video. You must complete the calculations in your head. No written calculation is permitted. Questions are based on the type of math that firefighters must use on a regular basis as part of the job. Basic areas covered include: addition, subtraction, multiplication, division and proportions.

APPENDIX B:
Chi-square Test Data

Key of the Headings

Fire Department	P	% Population	FD	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
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P – Population for the city – Redacted for confidentiality

% Population – Population breakdown as a percentage

FD – Fire Department personnel numbers – Redacted for confidentiality

% FD Personnel - Fire Department personnel breakdown as a percentage

AN – Actual Number of FD personnel for Chi-square test

Expected Number – Number that would correspond with a balanced workforce for that
race or gender category

Difference – Difference between Expected Number an (AN) Actual Number

Squared Difference – Square of the difference

Divided by expected – Squared difference divided by difference

Race Chi-Square Test									
Fire Department	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD A									
White		78.91%		82.68%		282.51	13.49	182.11	0.6446
Non-White		21.09%		17.32%		75.49	-13.49	182.11	2.4122
Total:				100.00%					
								Chi-square Value	3.0569
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is not significant	
FD A	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
White		78.91%		82.68%		282.51	13.49	182.11	0.6446
African American		7.26%		10.34%		25.98	11.02	121.37	4.6711
(A,PI,NH, AI, AN)		7.84%		2.51%		28.08	-19.08	364.11	12.9661
Other or Multiple Races		5.99%		4.47%		21.43	-5.43	29.49	1.3759
Total:				100.00%					
								Chi-square Value	19.6577
								Degrees of Freedom	3.0000
								Critical Value	7.81
								Difference is significant	
Fire Department	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD B									
White		75.73%		94.34%		374.84	92.16	8493.02	22.6576
Non-White		24.27%		5.66%		120.16	-92.16	8493.02	70.6824
Total:				100.00%					
								Chi-square Value	93.3400
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	
FD B	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
White		75.73%		94.34%		374.84	92.16	8493.02	22.6576
African American		14.53%		5.05%		71.91	-46.91	2200.53	30.6013
(A,PI,NH, AI, AN)		3.53%		0.20%		17.49	-16.49	271.77	15.5427
Other or Multiple Races		6.21%		0.40%		30.76	-28.76	827.27	26.8923
Total:				100.00%					
								Chi-square Value	95.6939
								Degrees of Freedom	3.0000
								Critical Value	7.81
								Difference is significant	

Fire Department	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD C									
White		58.51%		93.39%		70.80	42.20	1781.04	25.1568
Non-White		41.49%		6.61%		50.20	-42.20	1781.04	35.4773
Total:				100.00%					

Chi-square Value	60.6341
Degrees of Freedom	1.0000
Critical Value	3.84
Difference is significant	

FD C	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
White		58.51%		93.39%		70.80	42.20	1781.04	25.1568
African American		12.55%		0.83%		15.18	-14.18	201.20	13.2503
(A,PI,NH, AI, AN)		2.96%		0.00%		3.58	-3.58	12.80	3.5778
Other or Multiple Races		25.98%		5.79%		31.44	-24.44	597.32	18.9987
Total:				100.00%					

Chi-square Value	60.9836
Degrees of Freedom	3.0000
Critical Value	7.81
Difference is significant	

Fire Department	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD D									
White		63.80%		67.87%		248.18	15.82	250.17	1.0080
Non-White		36.20%		32.13%		140.82	-15.82	250.17	1.7766
Total:				100.00%					

Chi-square Value	2.7846
Degrees of Freedom	1.0000
Critical Value	3.84
Difference is not significant	

FD D	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
White		63.80%		67.87%		248.18	15.82	250.17	1.0080
African American		18.58%		17.48%		72.29	-4.29	18.42	0.2548
(A,PI,NH, AI, AN)		7.67%		9.25%		29.83	6.17	38.13	1.2783
Other or Multiple Races		9.95%		5.40%		38.70	-17.70	313.29	8.0953
Total:				100.00%					

Chi-square Value	10.6363
Degrees of Freedom	3.0000
Critical Value	7.81
Difference is significant	

Fire Department	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD E									
White		67.48%		93.60%		136.99	53.01	2809.75	20.5102
Non-White		32.52%		6.40%		66.01	-53.01	2809.75	42.5674
Total:				100.00%					
							Chi-square Value		63.0775
							Degrees of Freedom		1.0000
							Critical Value		3.84
							Difference is significant		
FD E									
White		67.48%		93.60%		136.99	53.01	2809.75	20.5102
African American		15.98%		5.42%		32.44	-21.44	459.78	14.1721
(A,PI,NH, AI, AN)		2.27%		0.00%		4.61	-4.61	21.23	4.6071
Other or Multiple Races		14.26%		0.99%		28.96	-26.96	726.71	25.0956
Total:				100.00%					
							Chi-square Value		64.3850
							Degrees of Freedom		3.0000
							Critical Value		7.81
							Difference is significant		
FD F									
White		78.39%		95.35%		101.12	21.88	478.54	4.7321
Non-White		21.61%		4.65%		27.88	-21.88	478.54	17.1669
Total:				100.00%					
							Chi-square Value		21.8991
							Degrees of Freedom		1.0000
							Critical Value		3.84
							Difference is significant		
FD F									
White		78.39%		95.35%		101.12	21.88	478.54	4.7321
African American		13.52%		3.88%		17.44	-12.44	154.74	8.8730
(A,PI,NH, AI, AN)		5.07%		0.00%		6.54	-6.54	42.74	6.5378
Other or Multiple Races		3.02%		0.78%		3.90	-2.90	8.40	2.1547
Total:				100.00%					
							Chi-square Value		22.2977
							Degrees of Freedom		3.0000
							Critical Value		7.81
							Difference is significant		

Fire Department	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD G									
White		75.78%		95.95%		168.23	44.77	2004.59	11.9160
Non-White		24.22%		4.05%		53.77	-44.77	2004.59	37.2790
Total:				100.00%					
								Chi-square Value	49.1950
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	
FD G									
White		75.78%		95.95%		168.23	44.77	2004.59	11.9160
African American		18.50%		2.70%		41.08	-35.08	1230.41	29.9536
(A,PI,NH, AI, AN)		2.42%		0.00%		5.38	-5.38	28.98	5.3834
Other or Multiple Races		3.29%		1.35%		7.31	-4.31	18.59	2.5430
Total:				100.00%					
								Chi-square Value	49.7959
								Degrees of Freedom	3.0000
								Critical Value	7.81
								Difference is significant	
Fire Department	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD H									
White		80.66%		92.03%		111.30	15.70	246.36	2.2134
Non-White		19.34%		7.97%		26.70	-15.70	246.36	9.2285
Total:				100.00%					
								Chi-square Value	11.4420
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	
FD H									
White		80.66%		92.03%		111.30	15.70	246.36	2.2134
African American		10.79%		0.72%		14.89	-13.89	193.05	12.9615
(A,PI,NH, AI, AN)		2.60%		2.17%		3.59	-0.59	0.35	0.0981
Other or Multiple Races		5.95%		5.07%		8.21	-1.21	1.46	0.1778
Total:				100.00%					
								Chi-square Value	15.4508
								Degrees of Freedom	3.0000
								Critical Value	7.81
								Difference is significant	

Fire Department	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD I									
White		79.02%		92.54%		105.89	18.11	327.85	3.0960
Non-White		20.98%		7.46%		28.11	-18.11	327.85	11.6645
Total:				100.00%					
								Chi-square Value	14.7606
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	
FD I									
White		79.02%		92.54%		105.89	18.11	327.85	3.0960
African American		11.26%		5.22%		15.09	-8.09	65.42	4.3358
(A,PI,NH, AI, AN)		5.58%		0.00%		7.48	-7.48	56.00	7.4830
Other or Multiple Races		4.13%		2.24%		5.54	-2.54	6.43	1.1613
Total:				100.00%					
								Chi-square Value	16.0762
								Degrees of Freedom	3.0000
								Critical Value	7.81
								Difference is significant	
Fire Department	P	% Population	FD P	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD J									
White		65.55%		86.80%		129.13	41.87	1752.80	13.5735
Non-White		34.45%		13.20%		67.87	-41.87	1752.80	25.8272
Total:				100.00%					
								Chi-square Value	39.4007
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	
FD J									
White		65.55%		86.80%		129.13	41.87	1752.80	13.5735
African American		23.17%		11.68%		45.64	-22.64	512.68	11.2325
(A,PI,NH, AI, AN)		3.41%		0.00%		6.71	-6.71	45.03	6.7105
Other or Multiple Races		7.87%		1.52%		15.51	-12.51	156.59	10.0937
Total:				100.00%					
								Chi-square Value	41.6102
								Degrees of Freedom	3.0000
								Critical Value	7.81
								Difference is significant	

Gender Chi-square Test									
Fire Department	P	% Population	FD	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD A									
Male		49.24%		87.99%		176.28	138.72	19243.51	109.1650
Female		50.76%		12.01%		181.72	-138.72	19243.51	105.8959
Total:				100.00%					
								Chi-square Value	215.0610
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	
Fire Department	P	% Population	FD	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD B									
Male		49.22%		97.17%		243.63	237.37	56342.82	231.2605
Female		50.78%		2.83%		251.37	-237.37	56342.82	224.1462
Total:				100.00%					
								Chi-square Value	455.4066
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	
Fire Department	P	% Population	FD	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD C									
Male		48.18%		100.00%		58.30	62.70	3931.41	67.4353
Female		51.82%		0.00%		62.70	-62.70	3931.41	62.7010
Total:				100.00%					
								Chi-square Value	130.1363
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	
Fire Department	P	% Population	FD	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD D									
Male		50.30%		85.35%		195.65	136.35	18591.05	95.0215
Female		49.70%		14.65%		193.35	-136.35	18591.05	96.1528
Total:				100.00%					
								Chi-square Value	191.1743
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is not significant	
Fire Department	P	% Population	FD	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD E									
Male		49.44%		100.00%		100.36	102.64	10533.99	104.9571
Female		50.56%		0.00%		102.64	-102.64	10533.99	102.6353
Total:				100.00%					
								Chi-square Value	207.5924
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	

Fire Department	P	% Population	FD	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD F									
Male		48.40%		98.45%		62.44	64.56	4168.40	66.7618
Female		51.60%		1.55%		66.56	-64.56	4168.40	62.6232
Total				100.00%					
								Chi-square Value	129.3851
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	
Fire Department	P	% Population	FD	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD G									
Male		47.16%		97.30%		104.70	111.30	12388.12	118.3223
Female		52.84%		2.70%		117.30	-111.30	12388.12	105.6088
Total				100.00%					
								Chi-square Value	223.9312
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	
Fire Department	P	% Population	FD	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD H									
Male		48.71%		94.93%		67.22	63.78	4067.66	60.5110
Female		51.29%		5.07%		70.78	-63.78	4067.66	57.4705
Total				100.00%					
								Chi-square Value	117.9816
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	
Fire Department	P	% Population	FD	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD I									
Male		48.35%		94.03%		64.79	61.21	3747.05	57.8366
Female		51.65%		5.97%		69.21	-61.21	3747.05	54.1378
Total				100.00%					
								Chi-square Value	111.9745
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	
Fire Department	P	% Population	FD	% FD Personnel	AN	Expected Number	Difference	Squared Difference	Divided by Expected
FD J									
Male		48.72%		98.48%		95.99	98.01	9606.78	100.0855
Female		51.28%		1.52%		101.01	-98.01	9606.78	95.1033
Total				100.00%					
								Chi-square Value	195.1888
								Degrees of Freedom	1.0000
								Critical Value	3.84
								Difference is significant	

APPENDIX C:

Chief interview answer breakdown for each question

Question 1, What is the departments history regarding affirmative action?

- A. None, vendors validate test to ensure gender and race neutrality
- B. Not yet, lack of minority hiring. DOJ began looking into the issue made steps to force department to balance out the workforce.
- C. Not now, Do not use AA in hiring at this time. Late 80's and 90's had a dual list majority and minority. A certain amount of candidates were pulled off of each list depending on the need to fill the class. In 91 or 92 that requirement was removed.
- D. Not now, we were under a court order for over 30 years ending in 2006. Court case unnamed for confidentiality reasons states, "On rehearing en banc on January 7, 1972 the court modified the decision. Rather than strike the quota the court modified it such that the fire department would be required to hire one minority candidate for every two white candidates until 20 minority candidates were hired in each hiring cycle. This order was to be in force until there was racial parity between the city and the fire department. "
- E. Not now, AA plan in the late 80's and into 90's that has expired. For entry level test they could go down 7 spots to hire a minority.
- F. Federal government required program, following a lawsuit in the late 80's. Requires the policy submitted for project. We must incorporate this policy into our hiring process.
- G. Not now, we were under a consent decree from 2001-2011 following a lawsuit. It was not a two list system but a banding system. This system did not work out as well as planned as it has been hard to get minority candidates interested in the fire service.

- H. AA strategy in place. City and FD has placed an emphasis on AA over time and backed off of that. In the recent two years they have put a significant emphasis on making the department meet the demographics of the city. Current chief initiated their efforts in AA strategy. Department has meet goals and objectives and has developed a workforce analysis.
- I. Recruitment strategy/HR controlled hiring, Combined hiring and promotion process done every 2 years. Assessment done and list produced overseen by HR. Recruitment to get various groups to come out and test.
- J. Follow city guidelines following Tite VI requirements. City is an equal opportunity employer with a fair and balanced process.

Question 2, What affirmative action programs are required for your department?

- A. None
- B. None, but one may be coming
- C. No AA program. Third class city code. We are required to hire off civil service list.
- D. None
- E. None
- F. Federal govt required program
- G. City required AA plan through HR
- H. City required AA plan
- I. Nothing over what is required by federal govt.
- J. Nothing over federal govt requirements.

Question 3, What voluntary affirmative action programs are common in paid departments?

- A. None in this FD state, but believes a FD in Texas went under a voluntary AA policy after facing litigation following a candidate exam.
- B. Recruitment, office of recruitment for community service to increase number of African Americans and females applying.
- C. Recruitment program
- D. Recruitment
- E. No answer
- F. Prior employment used 2 for 1 hiring policy. For every group of 3 a minority had to be hired. If no minority in the group a minority was inserted. It worked to balance workforce.
- G. Unknown
- H. Unknown
- I. Unknown
- J. Recruitment

Question 4, Do you feel there is a strong reaction against affirmative action, and if so, why do you think this reaction exists?

- A. Our FD is a diverse workforce, but Affirmative action seen as negative and test is watered down to assist minorities
- B. As a minority I feel there is a reaction not necessarily negative. People believe we have achieved better diversity then we have actually achieved. Ie) someone thought there was 80 African-American's when actually there is only 27.

Diversity helps interaction in the community therefore furthering minorities will help further the fire service.

C. I don't think so

D. N/A

E. Yes, people want an equal playing field for all candidates taking the test.

F. Yes, Because of concern that it creates reverse discrimination and that non-qualified individuals are taking jobs from more qualified individuals.

G. I don't, Chief thinks that new testing laws will have disparaging impact and make it more difficult to hire minorities

H. I think there is a strong reaction against the term affirmative action. I don't think there is a reaction against diversifying workforce. Affirmative action gives the perceptions that someone else is forcing change. Diversifying the department and doing it within and throughout the community with a task force has been successful because everyone is involved.

I. Not in our community or in our department. There is a large university campus that produces a lot of diversity for the community as a whole, so diversity is a part of the community.

J. No, only problem we have is attracting candidates.

Question 5, Does the law require a particular procedure, such as use of a search committee, in an affirmative action plan?

A. Not to the chief's knowledge, only requirement is that the test and process is approved by the police and fire commission, which is a 5 member panel governing from the city level.

- B. No state or federal mandate
- C. Not that I'm aware of
- D. N/A
- E. N/A
- F. No
- G. The new test uses scoring methodology and the use of a median score qualifier for passing. This is from the state level.
- H. No, task force of community members created initiative that had not been used before. They sent out postcards defining what they needed to do, qualifications, testing criteria, etc. Fire department companies and task forces were encouraged to give them out anywhere in the community on calls, at events, in stores, churches, gym etc. This was done to increase exposure. Placed flyers all over community. Workshops were put on to give community information. Radio spots to community, specifically African Americans to try and get the information out. Used Hispanic newspaper to reach that community. New postcards and business cards are being developed for further reach. With generic information but gives contact information and a website for further information.
- I. None
- J. Title VI requirements.

Question 6, Does affirmative action work?

- A. Diverse workforce is the best thing for the community. Smaller employees may be advantageous in certain areas ie) confined space. Various religious, race,

sexual orientation and gender in EMS situation may better meet diverse needs of the community. I.e) woman Paramedic may be more helpful in certain situations where a particular religion would bar a man from assisting female patient in need.

- B. If all sides are educated on the process it will work out. If state or federal mandate is given to a department and the reason is not well stated it creates division. When a federal mandate says without reason you have to hire 50% minority on the next list. If reasoning and education is given more firefighters would be receptive to it. If implemented correctly and given the proper amount of time it can work. If it is forced there will be backlash saying less qualified people are being hired.
- C. We do not use the dual list anymore and laws and rules that the government governs by can make it difficult to maintain diversity. Hiring off the civil service list is a double edged sword. Veterans must be hired first off of the list. It is a benefit in that many veterans are considered minority, but not all. So when being forced to hire off a civil service list you are not able to fill gaps in communities and gender. In the last two classes our city was able to hire 3 or 4 minority out of 16 because they were veterans. All 16 were veterans therefore restricting their hiring choices. It does give them a bigger pool of minorities to choose from but does limit them to just veterans.
- D. N/A
- E. What works is getting more minority candidates interested at a young age in a career in the fire service. That would hopefully result in more minority candidates taking entry level tests in order to be hired.

- F. It can work if applied right and it creates a workplace that is reflective of the community. It is hard for our department to get minority candidates because the fire department requires FF I, FF II, and paramedic certifications to apply and therefore be hired.
- G. Not knowing the content of our new program well enough I am hesitant to respond either way.
- H. Absolutely, we become a better service the more that we can meet the needs of the community. Language and culture barriers are brought down and allow members and community to communicate more effectively. If others share cultures then we all can learn and when we learn more about a culture we better serve that person in the community. This all builds trust, when community sees itself in the fire department they can trust the fire department and better interact with the fire department.
- I. Equal representation is the goal. The more diverse your department is the more opportunity you have to operate in the public with better response. You want to be seen as members of the public and you want to be able to go out in the public and be representatives of the public for the public. Diversity helps achieve that.
- J. I think it makes it fair for everyone. It hasn't worked due to the fact it is difficult to recruit good, qualified candidates that are interested in the fire service.

TABLE A:
2013 Census education data

	Educational Attainment - 18 years and over (Numbers in thousands. Civilian noninstitutionalized population /1.)															
	Total	None	1st - 4th grade	5th - 6th grade	7th - 8th grade	9th grade	10th grade	11th grade/2	High school graduate	Some college no degree	Associate's degree, occupational	Associate's degree, academic	Bachelor's degree	Master's degree	Professional degree	Doctora degree
All Races	239,341	904	1,751	3,355	4,369	3,773	4,711	10,646	70,919	46,484	9,763	12,637	45,176	17,960	3,174	3,719
White Alone	189,239	613	1,402	2,770	3,523	3,062	3,487	7,574	55,997	36,226	8,068	10,076	36,392	14,449	2,622	2,977
Black Alone	29,527	101	140	267	482	430	809	2,200	9,993	6,639	1,170	1,550	3,835	1,529	179	206
Asian Alone	13,412	163	157	199	203	135	166	374	2,699	1,977	279	601	3,944	1,721	317	478